

### REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated October 8, 2004. Upon entry of this Amendment, claims 1-34 will remain pending in this application with claims 20-34 being withdrawn. The changes to the claims are supported by the specification and original claims. No new matter is incorporated by this Amendment.

As an initial matter, Applicants note claims 1-9, 12 and 18 are not included in a rejection based on art. Hence, these claims are considered to be free of prior art.

\* \* \* \* \*

The abstract is objected to for exceeding the word limit and for including the terms “comprising” and “comprises.” In response, Applicants submit herewith a new Abstract of the Disclosure which complies with MPEP § 608.01(b). Hence, withdrawal of this objection is respectfully requested.

\* \* \*

Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite. Specifically, the Office Action asserts the claims are drawn to an apparatus but include processing steps which make them indefinite.

In response, the claims have been amended to ensure that the elements of the claims refer to structural features of the apparatus. Hence, this rejection is overcome and its withdrawal is respectfully requested.

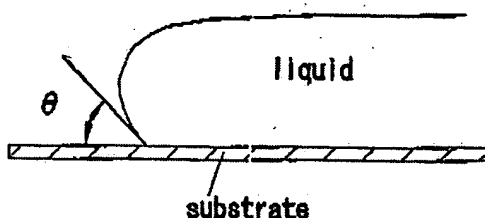
\* \* \*

Claims 10, 11, 13-17, and 19 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by Tomita et al. (U.S. Pat. No. 6,543,080). The Office Action asserts Tomita

discloses each feature of these claims and thus anticipates the claimed invention.

Applicants respectfully traverse.

Independent claim 10 (from which claims 11, 13-17 and 19 depend) relates to a substrate processing apparatus for processing a substrate with a processing liquid fed to the substrate. The apparatus includes a lower side member disposed in a substantially horizontal position below the substrate held by the holding member. An upper surface of such lower side member is defined as having a hydrophobic property such that it comes into contact with the processing liquid at a contact angle of not less than 50°. In other words, the lower side member is arranged so that the liquid contact angle with its upper side is not less than 50°. This hydrophobic property of the side member is shown by Applicants in the sketch below where  $\theta$  is the “contact angle” recited in claim 10.



In the Office Action, it was asserted that Tomita discloses the claimed contact angle. Specifically, the Office Action asserts that Tomita teaches, in column 8, lines 45-55, the “contact angle” at which the cleaning liquid is supplied is varied at the cleaning angle of (+) or (-) 60°.

Applicants, however, point out that the angle described by Tomita actually refers to “an angle at which a cleaning liquid is directed to a wafer 1.” See Column 8, Lines 7-9. Tomita teaches, “When the wafer 1 is placed in a plane along which a path of the

cleaning liquid discharged from the nozzle 3 lies, that is, the angle  $\theta = 0^\circ$ , approximately the same amount of cleaning liquid is supplied to both the obverse and reverse sides of the wafer 1.” See Column 8, Lines 9-13. Hence, it is clear that the “angle” referred to in Tomita is an angle between nozzle 3 and the plane in which the wafer 1 is placed, that is the angle  $\theta$  shown in Figure 4 of Tomita. This is completely different from the liquid contact angle described in claim 10. The angle of claim 10 represents a hydrophobic property illustrated by Applicants above. It represents a liquid contact angle between the liquid and the wafer, not an angle of spray from a nozzle as in Tomita. Tomita neither teaches nor fairly suggests the hydrophobic contact angle feature of independent claim 10 and thus, for at least this reason, cannot anticipate the claimed invention.

In view of the above remarks, Applicants submit this rejection is overcome and request it be withdrawn.

\* \* \* \* \*

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding objection and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033082.115.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033082.115.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:



Michael A. Makuch, Reg. No. 32,263  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202)263-4300  
Facsimile: (202) 263-4329

Dated: April 6, 2005